

**NEWBERRY TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2023-20

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF NEWBERRY, YORK COUNTY, PENNSYLVANIA,
PROVIDING FOR AN EXEMPTION TO CMV DRIVING TIME
LIMITS DURING CERTAIN EMERGENCIES.**

WHEREAS, Newberry Township (“Township”) is a township of the second class situated in York County, Pennsylvania, and is a local government as defined in the state’s Vehicle Code; and

WHEREAS, the state’s Vehicle Code at Title 67 Pa. Code Chapter 231.8(15) exempts local government drivers performing Roadway Maintenance, Snow Plowing Operations, and Traffic Control Support Operations from the commercial motor vehicle (commonly known as “CMV”) driving time limits normally imposed on such operations; and

WHEREAS, the state’s Vehicle Code at Title 67 Pa. Code Chapter 231.7(7) imposes commercial motor vehicle driving time limits on all other municipal operations not specifically exempted by Title 67 Pa. Code Chapter 231.8(15); and

WHEREAS, the state’s Vehicle Code at Title 67 Pa. Code Chapter 231.7(3) incorporates federal regulation 49 CFR Part 390.23, providing a mechanism for local governments to obtain needed relief from commercial motor vehicle driving time limits when engaged in municipal operations not already exempted by Title 67 Pa. Code Chapter 231.8(15); and

WHEREAS, the Township wishes to establish a procedure to clarify when a situation exists for which the Township must specifically declare an emergency solely for the purpose of legally allowing its commercial motor vehicle drivers to exceed the normally-imposed commercial motor vehicle driving time limits:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the Township of Newberry, York County, Pennsylvania, as follows:

SECTION 1. An emergency shall exist any time that the Township, upon decision of the Chairman of the Township Board of Supervisors, or, in their absence, their duly-appointed alternate, determines that a situation currently exists or is imminent, and which is not a situation already exempted by Title 67 Pa. Code Chapter 231.8(15), requiring Township drivers to exceed the normal daily driving time limits for commercial motor vehicles.

SECTION 2. Declaring an emergency shall be the responsibility of the Chairman of the Township Board of Supervisors or, in their absence, their duly-appointed alternate, who shall:

- (1) Inform all Township commercial motor vehicle (“CMV”) drivers that an emergency has been declared which authorizes all qualified township drivers to exceed the normal commercial motor vehicle driving time limits;
- (2) Evaluate the rest status of the available drivers and take such status into account when dispatching qualified drivers; and
- (3) Provide written documentation of such declaration and authorization to such drivers, who shall carry said documentation while on driving duty in response to the emergency.

SECTION 3. The Chairman of the Township Board of Supervisors, or, in their absence, their duly appointed alternate, shall inform the Board of Supervisors of the declaration of any emergency at the next regular meeting of the Board of Supervisors.

SECTION 4. As guidance, the individual making driving assignments during an emergency should employ best efforts to limit any individual driver’s emergency assignment to fourteen (14) total driving hours before requiring at least eight (8) hours off-duty before re-assignment.

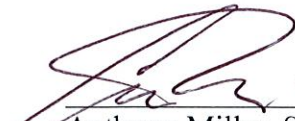
SECTION 5. Further, the emergency suspension of commercial motor vehicle driving time limits shall neither exceed the duration of the Township’s direct action in providing emergency relief, nor extend longer than five (5) days from the date of this declaration of emergency.

SECTION 6. This Resolution shall be effective five (5) days after enactment.

RESOLVED this 22ND day of August, 2023 by the Board of Supervisors of the Township of Newberry, York County, Pennsylvania.

ATTEST:

BOARD OF SUPERVISORS
NEWBERRY TOWNSHIP



Anthony Miller, Secretary




Chairman



CERTIFICATE

I, the undersigned, Secretary of the Board of Supervisors of the Township of Newberry, York County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of a Resolution of the Board of Supervisors of the Township which was duly enacted by 4 to 0 affirmative vote majority of the members of the Board of Supervisors of the Township, at a special meeting held on August 22, 2023, that said Resolution has been recorded in the Resolution Book of the Township; that said Resolution was duly published as required by law; and that said Resolution remains in effect, unaltered and unamended as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township on this 22nd day of August, 2023.



Anthony Miller, Secretary